

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LUIGI CIOCCA,

Plaintiff,

v.

BJ'S WHOLESALE CLUB, INC.,

Defendant.

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CIVIL ACTION

NO. 04-5605

ORDER

AND NOW, this 14th day of November, 2011, upon consideration of the Motion for Summary Judgment filed by BJ's Wholesale Club, Inc. (Doc. No. 15), and the Response and Reply thereto, it is hereby **ORDERED** that the Motion is **DENIED** due to the existence of genuine issues of material facts.

IT IS FURTHER ORDERED that the parties' Joint Pretrial Order shall be filed within fourteen (14) days after the date of this Order.

BY THE COURT:

/s/ Robert F. Kelly

Robert F. Kelly,

Sr. J.